

1  
2  
3  
4 UNITED STATES DISTRICT COURT  
5 DISTRICT OF NEVADA  
6

7 \* \* \*

8 UNITED STATES OF AMERICA, )  
9 Plaintiff, )

2:11-CR-00094-PMP-CWH

10 vs. )

**ORDER**

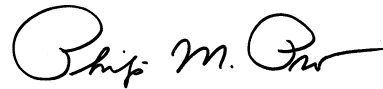
11 ADAM BRENT WALLACE, )  
12 Defendant. )  
13

14 Before the Court for consideration is Defendant Adam Wallace's fully  
15 briefed Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence  
16 by a Person in Federal Custody (Doc. #53) filed December 6, 2012. For the reasons  
17 set forth in the Government's Opposition to Wallace's Motion (Doc. #61), the Court  
18 finds that Defendant Wallace's Motion (Doc. #53) must be denied.

19 Specifically, the Court finds that Defendant Wallace has failed to  
20 demonstrate that the performance of his attorney in this case was ineffective under  
21 the standards established by the United States Supreme Court in *Strickland v.*  
22 *Washington*, 466 U.S. 668 (1984) and its progeny. Simply put, the circumstances  
23 under which child pornography was discovered on Defendant's laptop by a pawn  
24 shop employee does not constitute a violation of Defendant Wallace's Fourth  
25 Amendment rights and provides no basis for the filing of a motion to suppress  
26 evidence.

1                   **IT IS THEREFORE ORDERED** that Defendant Adam Wallace's  
2 Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a  
3 Person in Federal Custody (Doc. #53) is **DENIED**.

4  
5 DATED: February 19, 2013.

6 

7  
8 

---

PHILIP M. PRO  
United States District Judge